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08 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) Case Nos.: CR02-299Z
11 Plaintiff,)
12 v.) SUMMARY REPORT OF U.S.
13 RICHARD MERVYN WEISS,) MAGISTRATE JUDGE AS TO
14 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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16 An initial probation revocation hearing on a supervised release violations in this case was
17 scheduled before the undersigned Magistrate Judge on April 28, 2005. The United States was
18 represented by Assistant United States Attorney Norman M. Barbosa, and the defendant by Ms.
19 Nancy Tenney. The proceedings were recorded on cassette tape.

20 The defendant had been sentenced on or about January 24, 2003, by the Honorable
21 Thomas S. Zilly on charges of felony theft of public money in violation of 18 U.S.C. § 641. The
22 defendant was sentenced to three years' probation subject to the conditions of supervised release.

23 The conditions of supervised release included the requirement that the defendant comply
24 with all local, state, and federal laws, and with the standard conditions.

25 In a Violation Report and Request for Warrant dated April 19, 2005, U.S. Probation
26 Officer Steven R. Gregoryk asserted the following violations of the conditions of supervised

01 release:

02 (1) Consuming alcohol on or about April 12, 2005, in violation of the special
03 condition of supervision requiring the defendant to abstain from the use of alcohol.

04 (2) Failing to participate in a substance-abuse treatment program as directed by the
05 Probation Officer, in violation of the special condition of supervision requiring the defendant to
06 participate in an approved program for the treatment of narcotic addiction or drug dependency.

07 The defendant admitted to violation No. 1 and waived any evidentiary hearing as to
08 whether they occurred. The defendant denied alleged violation No. 2 and asked for an
09 evidentiary hearing before the Honorable Thomas S. Zilly on violation No. 2.

10 I therefore recommend that the Court find the defendant violated his supervised release
11 as to the first violation and that the Court conduct an evidentiary hearing as to the second alleged
12 violation and disposition, if appropriate, and a hearing limited to disposition on the first violation.

13 An evidentiary hearing on alleged violation No. 2 and a disposition hearing are set before
14 the Honorable Thomas S. Zilly on May 12, 2005, at 2:30 p.m. Pending a final determination by
15 the Court, the defendant has been detained.

16 DATED this 29th day of April, 2005.

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18 /s/ JAMES P. DONOHUE
United States Magistrate Judge

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20 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Mr. Norman M. Barbosa
21 Defendant's attorney: Ms. Nancy Tenney
22 Probation officer: Mr. Brian H. Rogers
Ms. Jennifer Tien